

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Notice of Proposed Amendments to Superior Court Rules of Civil Procedure

The District of Columbia Superior Court Rules Committee recently completed review of proposed amendments to Superior Court Rules of Civil Procedure 10-I and 30. The Rules Committee will recommend to the Superior Court Board of Judges that the amendments be approved unless, after consideration of comments from the Bar and the general public, the proposed amendments are withdrawn or modified.

Written comments must be submitted by April 19, 2021. Comments may be emailed to Laura.Wait@dccsystem.gov or may be mailed to:

Laura M.L. Wait
Associate General Counsel
District of Columbia Courts
500 Indiana Avenue, N.W., Room 6715
Washington, D.C. 20001

All comments submitted in response to this notice will be available to the public. New language is underlined, and deleted language is stricken through.

Rule 10-I. Pleadings: Stationery and Locational Information

(a) STATIONERY; TITLE; RELIEF PRAYED. Pleadings and like papers must be on opaque white paper, approximately 11 inches long and 8 1/2 inches wide, without back or cover, fastened at the top and stating under the caption the nature of the pleading and the relief, if any, prayed.

(b) LOCATIONAL INFORMATION: PLEADINGS AND OTHER PAPERS.

(1) In General. The first pleading filed by or on behalf of a party must set forth in the caption the party's name, full residence address, and unless the party is represented by counsel, the party's telephone number and email address if any. All subsequent pleadings and other papers filed by or on behalf of a party must set forth the party's name, full residence address, and telephone number and email address if any, unless that party is represented by counsel. If a party is represented by counsel, all pleadings or other papers must set forth the name, office address, telephone number, email address, and Bar number of the attorney. The names, addresses, email addresses, and telephone numbers so shown will be conclusively deemed to be correct and current. It is the obligation of the attorney or unrepresented party whose address, email address, or telephone number has been changed to give immediate notice to the appropriate branch or office within the Civil Division and all other attorneys and unrepresented parties named in the case of this change. Attorneys must include their Bar number in all such notices. Should a party incur expenses, including reasonable attorney's fees, due to the failure of any other party, or that party's attorney, to give prompt notice of a change of address, email address, or telephone number, the court, upon motion or upon its own initiative, may order the party failing to give notice to reimburse the other party for expenses incurred.

(2) Substitute Address. A party is not required to state the party's residence address if:

(A) the party is a participant in the District of Columbia's Address Confidentiality Program (D.C. Code §§ 4-555.01 to -.12 (2019 Repl.)) or has a reasonable basis to fear harassment or harm to the party or the party's family if the party's residence address is disclosed; and

(B) the party substitutes the address of the party's attorney or other agent authorized to accept service copies for the party.

(c) NONCONFORMANCE WITH ABOVE. A pleading or other paper not conforming to the requirements of this rule will not be accepted for filing.

COMMENT TO [MONTH] 2021 AMENDMENTS

Section (b) was moved to subsection (b)(1). Subsection (b)(2) was added to permit a party to use a substitute address consistent with the District of Columbia's Address Confidentiality Program (D.C. Code §§ 4-555.01 to -.12 (2019 Repl.)).

COMMENT TO APRIL 2021 AMENDMENTS

Section (b) was amended, consistent with Rule 11(a), to require self-represented parties to provide their email addresses.

COMMENT TO 2017 AMENDMENTS

Stylistic changes were made to this rule to conform with the 2007 amendments to the Federal Rules of Civil Procedure.

Rule 30. Depositions by Oral Examination

(b) NOTICE OF THE DEPOSITION; OTHER FORMAL REQUIREMENTS.

(6) *Notice or Subpoena Directed to an Organization.* In its notice or subpoena, a party may name as the deponent a public or private corporation, a partnership, an association, a governmental agency, or other entity and must describe with reasonable particularity the matters for examination. The named organization must ~~then~~ designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify. Before or promptly after the notice or subpoena is served, the serving party and the organization must confer in good faith about the matters for examination. A subpoena must advise a nonparty organization of its duty to confer with the serving party and to designate each person who will testify~~make this designation.~~ The persons designated must testify about information known or reasonably available to the organization. Rule 30(b)(6) does not preclude a deposition by any other procedure allowed by these rules.

COMMENT TO 2021 AMENDMENTS

Subsection (b)(6) incorporates the 2020 amendments to *Federal Rule of Civil Procedure 30*. The rule now provides that, for a notice of deposition or subpoena directed to an organization, the serving party and organization must confer in good faith about the matters for examination.

COMMENT TO 2017 AMENDMENTS

This rule is substantially similar to *Federal Rule of Civil Procedure 30*, as amended in 2007 and 2015, except that: 1) the time period in subsection (a)(2)(A)(iii) reflects local practice; 2) exceptions to the restriction in subsection (a)(2)(A)(iii) have been moved to new subsection (a)(2)(C) and continue to reflect the 25-mile subpoena range of this court; 3) subsection (b)(4) provides that remote depositions taken by telephone are considered to have taken place in the District of Columbia and the location where the person answers the questions; 4) subsection (c)(1) refers to Rule 43(c) rather than the Federal Rules of Evidence; 5) subsection (d)(3) refers to depositions taken in Superior Court actions as well as those taken in the District of Columbia pursuant to the Uniform Interstate Depositions and Discovery Act; 6) subsection (f)(1) requires the officer to comply with Rule 5(d) regarding filing; and 7) section (h) retains the requirement that a party transcribe a deposition that was recorded by nonstenographic means if the party intends to use the deposition in the proceeding.

The term “storage media” as used in subsection (f)(1) means any technology used to store a deposition recording for later reuse. This includes, but is not limited to, cassette tapes, videotapes, CDs, DVDs, memory cards, and USB flash drives.

COMMENT

Largely identical to *Federal Rule of Civil Procedure 30* except that there is no cross-reference in subparagraph (a)(2)(C) to Rule 26, since the changes in that Rule have not been adopted herein, and that subparagraph provides additional time to the District of Columbia and the United States after service of summons and complaint before the taking of testimony is allowed without leave of Court because the District of Columbia and the United States have 60 days to answer a complaint under Rule 12(a). Subparagraph (a)(2)(C) has also been modified to reflect the 25 mile subpoena range of the Court. Subparagraph (b)(1) has been amended to provide notice if the deposition is to be recorded by audio or videotape. In addition, paragraph (c) refers to Rule 43(b) rather than to the Federal Rules of Evidence. Paragraphs (b), (d), and (f) are revised to show reference only to cases pending in this Court. Subparagraph (f)(1) comports with Rule 5(d), which provides, among other things, that depositions shall not be filed with the Court unless their filing is pursuant to Court order or they are appended to a motion or opposition to which they are relevant. Paragraph (h) requires the preparation, filing and serving of a transcription of a deposition recorded by other than stenographic means if a party intends to use the deposition in the proceeding.